

# DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Florida Department of Transportation, District 2  
Attn: Van Humpreys  
1109 South Marion Ave.  
Lake City, Florida 32025-5874

**Permit No:** SAJ-2003-5223(IP-AWP)

**Issuing Office: U.S. Army Engineer District, Jacksonville**

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** The applicant proposes impacts to 2.58 acres of waters of the United States (wetlands) for the widening of the CR 209 from two lanes to three lanes from just south of John Boy Creek north to the existing three lane section at Fireside Drive, approximately one mile. The project will include the removal of the existing two lane bridge across Black Creek and construction of a new urban type bridge on the existing alignment. A temporary bridge, constructed to the west of the existing alignment, will be utilized to maintain traffic during construction. The roadway improvements will result in an undivided three-lane urban roadway with 12'-wide travel lanes, 16'-wide shoulders, and 5'-wide sidewalks. The work described above is to be completed in accordance with the 5 attachments affixed at the end of this permit instrument.

**Project Location:** The project is located along County Road (CR) 209 over Black Creek. The project is in Sections 4 and 9, Township 5 South, Range 25 East, Clay County, Florida.

**Directions to site:** From the intersection of CR 209 and US Hwy 17/State Road 15, proceed northwest on CR 209 to the intersection of CR 209 and Black Creek.

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PERMITTEE: FDOT-District 2  
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**Latitude & Longitude:** Latitude 30.08233 North  
Longitude 81.80963 West

**Permit Conditions**

**General Conditions:**

1. The time limit for completing the work authorized ends on **August 14, 2013**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and the mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

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PERMITTEE: FDOT-District 2  
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6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. All reports, documentation and correspondence required by the conditions of this permit shall be submitted to the following address: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL 32232. The Permittee shall reference this permit number, SAJ-2003-5223(IP-AWP), on all submittals.

2. Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas adjacent to wetlands shall be stabilized using sod, degradable mats, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

4. Within 60 days of completion of the authorized work or at the expiration of the construction window of this permit, whichever occurs first, the Permittee shall submit as-built drawings of the authorized work and a completed As-Built Certification Form (Attachment 3) to the Corps. The drawings shall be signed and sealed by a registered professional engineer and include the following:

a. A plan view drawing of the location of the authorized work footprint (as shown on the permit drawings) with an overlay of the work as constructed in the same scale as the attached permit drawings (8½-inch by 11-inch). The drawing should show

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all "earth disturbance," including wetland impacts, water management structures, and any on-site mitigation areas.

b. List any deviations between the work authorized by this permit and the work as constructed. In the event that the completed work deviates, in any manner, from the authorized work, describe on the As-Built Certification Form the deviations between the work authorized by this permit and the work as constructed. Clearly indicate on the as-built drawings any deviations that have been listed. Please note that the depiction and/or description of any deviations on the drawings and/or As-Built Certification Form does not constitute approval of any deviations by the U.S. Army Corps of Engineers.

c. The Department of the Army Permit number.

d. Include pre- and post-construction aerial photographs of the project site, if available.

5. The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

6. In accordance with the Memorandum of Understanding between the St. Johns River Water Management District (SJRWMD) and the United States Army Corps of Engineers, Jacksonville District signed October 16, 2007 and October 9, 2007 respectively, the SJRWMD shall submit an annual status report and five year update of the mitigation described above. The report shall ensure 2.14 functional units will be replaced by the proposed mitigation. Mitigation has been identified in the 2008 SJRWMD Senate Bill Mitigation Plan #211560 defined in Mitigation Project Group SJ 23.

7. The Permittee agrees to follow the Standard Protection Measures for the Eastern Indigo Snake during construction.  
(Attachment 4)

8. The Permittee agrees to follow the Standard Manatee Construction Conditions. (Attachment 5)

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**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

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d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.


Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

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6. Extensions: General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

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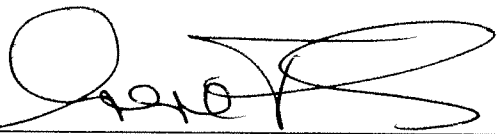
Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

  
\_\_\_\_\_  
(PERMITTEE)

8-11-08  
\_\_\_\_\_  
(DATE)

Van Humphreys  
\_\_\_\_\_  
(PERMITTEE NAME-PRINTED)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
\_\_\_\_\_  
fu (DISTRICT ENGINEER)  
Paul L. Grosskruger  
Colonel, U.S. Army  
District Commander

AUG 14 2008  
\_\_\_\_\_  
(DATE)



PERMIT NUMBER: SAJ-2003-5223(IP-AWP)  
PERMITTEE: FDOT-District 2  
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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree-SIGNATURE)

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(NAME-PRINTED)

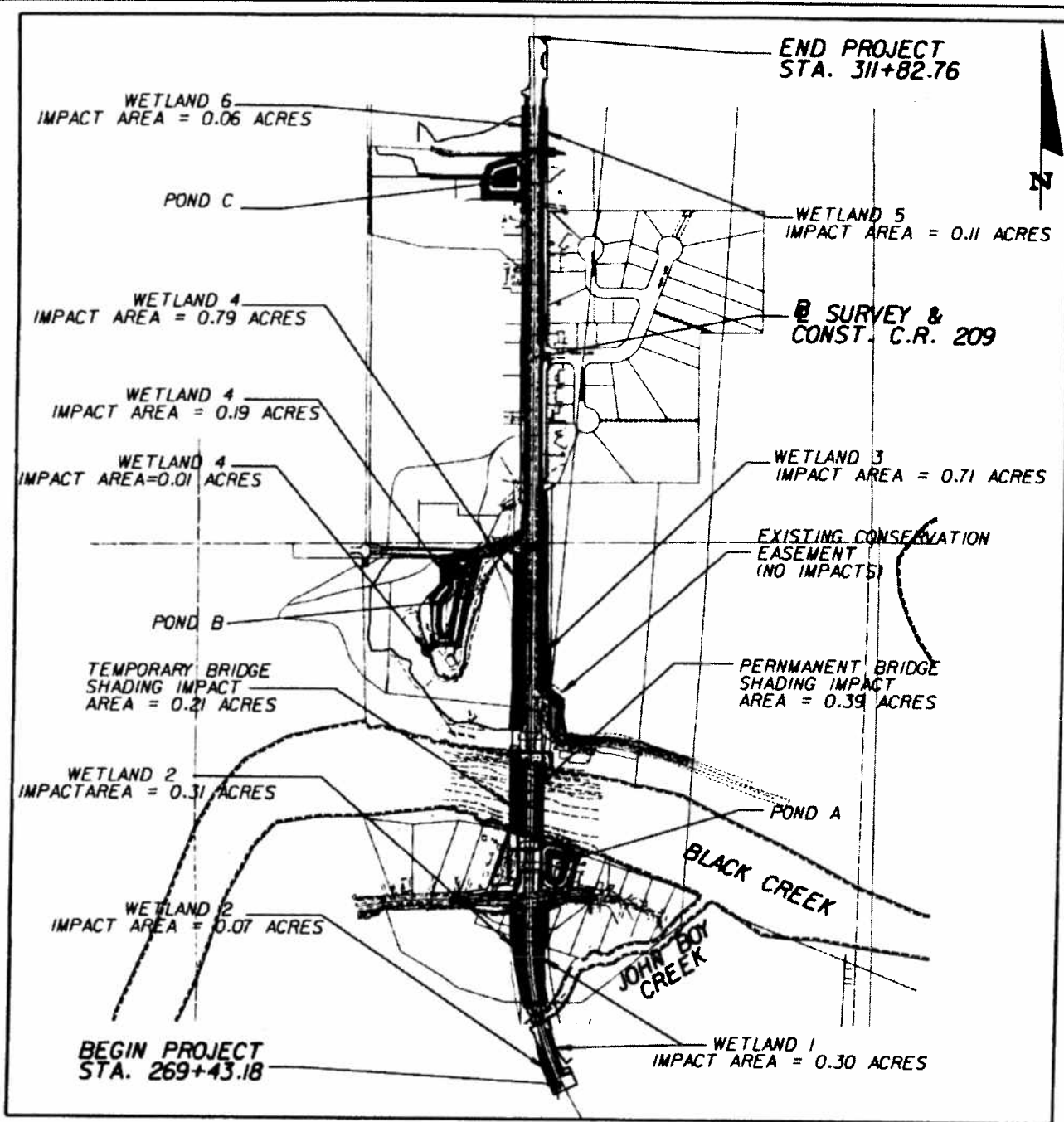
\_\_\_\_\_  
(ADDRESS)

\_\_\_\_\_  
(CITY, STATE, AND ZIP CODE)

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***Attachments to Department of the Army  
Permit Number SAJ-2003-5223(IP-AWP)***

1. PERMIT DRAWINGS: 18 pages, dated 10/01/07
2. WATER QUALITY CERTIFICATION: Specific Conditions of the water quality permit/certification in accordance with General Condition number 5 on page 2 of this DA permit. 4-019-109131-1 9 pages.
3. As-Built Certification: 1 page
4. Standard Protection Measures for the Eastern Indigo Snake: 1 page
5. Standard Manatee Construction Conditions: 3 pages



PROJECT: CR 209  
 FPN: 211560-2-52-01  
 SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

WATER BODY: WETLANDS, BLACK CREEK, JOHN BOY CREEK

PURPOSE: JURISDICTIONAL IMPACT

DATUM: NAVD 1988

LOCATION MAP  
 DREDGE AND FILL SKETCHES

CLAY COUNTY  
 STATE OF FLORIDA

SCALE: 0 120 600  
 Feet

SHEET 1 OF 18



STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

Signed: *[Signature]*  
 DATE: 10/01/07  
 37,300

U.S. Army Corps of Engineers  
 Permit # 547-2003-5223  
 Date: JUL 24 2008  
 Attachment: 1



# GENERAL NOTES

1. STRICT ADHERENCE TO SECTION 104 OF THE FLORIDA DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION WILL BE USED IN CONJUNCTION WITH THIS APPLICATION TO PROVIDE REASONABLE ASSURANCE THAT WATER QUALITY STANDARDS WILL NOT BE VIOLATED. SILT FENCES, HAY BALES AND TURBIDITY BARRIERS WILL BE USED AS REQUIRED.
2. TYPES OF EQUIPMENT INVOLVED IN THE CONSTRUCTION WILL INCLUDE: GRADEALL, DUMP TRUCKS, BULLDOZER, PUMPS, CRANES, BARGES AND FRONT END LOADER. THE EQUIPMENT WILL BE TRUCKED OR SELF PROPELLED TO THE SITE.
3. TURBIDITY CURTAINS, SILT FENCES, SAND BAGS, HAY BALES OR SOME COMBINATION OF THESE ITEMS WILL BE USED AS DIRECTED BY THE PROJECT ENGINEER TO MAINTAIN STATE WATER QUALITY STANDARDS.
4. EXCAVATED MATERIAL THAT IS SUITABLE WILL BE USED IN CONSTRUCTION OF THE ROADWAY EMBANKMENT. UNSUITABLE MATERIAL WILL BE DISPOSED OF AND CONTAINED IN UPLAND SITES PROVIDED BY THE CONTRACTOR.
5. FILL MATERIAL SHALL BE OF SATISFACTORY MATERIAL THAT IS CLEAN AND COMPACTIBLE INTO A SUITABLE AND ENDURING ROADWAY.
6. DURING THE CONSTRUCTION OR EXTENSION OF MULTIPLE OPENING STRUCTURES, THE CONTRACTOR, AS DIRECTED BY THE PROJECT ENGINEER, SHALL BE REQUIRED TO PHASE CONSTRUCT DRAINAGE STRUCTURES IN ORDER TO MAINTAIN ADEQUATE WATER FLOW.
7. ALL ELEVATION SHOWN IN THIS PERMIT APPLICATION ARE REFERENCED TO NAVD '88 DATUM
8. THE FOLLOWING AREAS OF IMPACT ARE REQUIRED FOR THE PROJECT.

JURISDICTIONAL AREA	IMPACT WETLAND AREA (ACRES)	PERMANENT SHADING AREA (ACRES)	TEMPORARY SHADING AREA (ACRES)	OTHER SURFACE WATER (ACRES)
WETLAND #1	0.30			
WETLAND #2	0.38			
BLACK CREEK		0.39	0.21	
WETLAND #3	0.71			
WETLAND #4	0.98			0.01
WETLAND #5	0.11			
WETLAND #6	0.06			
TOTALS	2.54	0.39	0.21	0.01

PROJECT: CR 209  
 FPN: 211560-2-52-01  
 SECTION 4, 9 TOWNSHIP 5 SOUTH, RANGE 25 EAST

## DREDGE AND FILL SKTECHES

WATER BODY: WETLAND IMPACTS  
 PURPOSE: JURISDICTIONAL IMPACT  
 DATUM: NAVD 1988

CLAY COUNTY  
 STATE OF FLORIDA

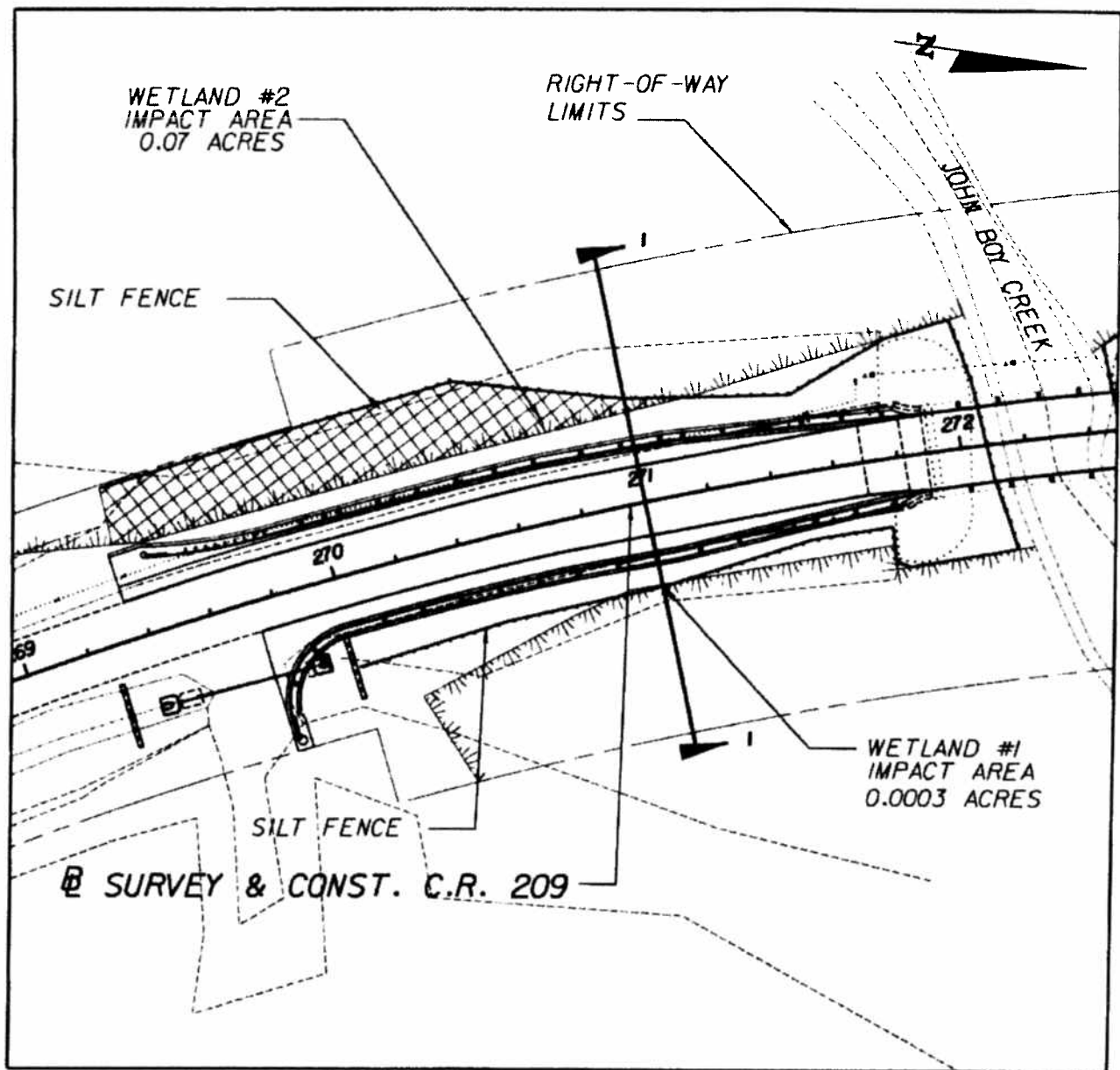
SHEET 2 OF 18



STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

Signed \_\_\_\_\_  
 DATE 10/01/07

REG. FLA. ENG. NO. 37300



**LEGEND**



WETLAND  
IMPACT AREA

WETLAND #1, #2

SCALE:



PROJECT: CR 209  
FPN# 211560-2-52-01  
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

DREDGE AND FILL SKETCHES

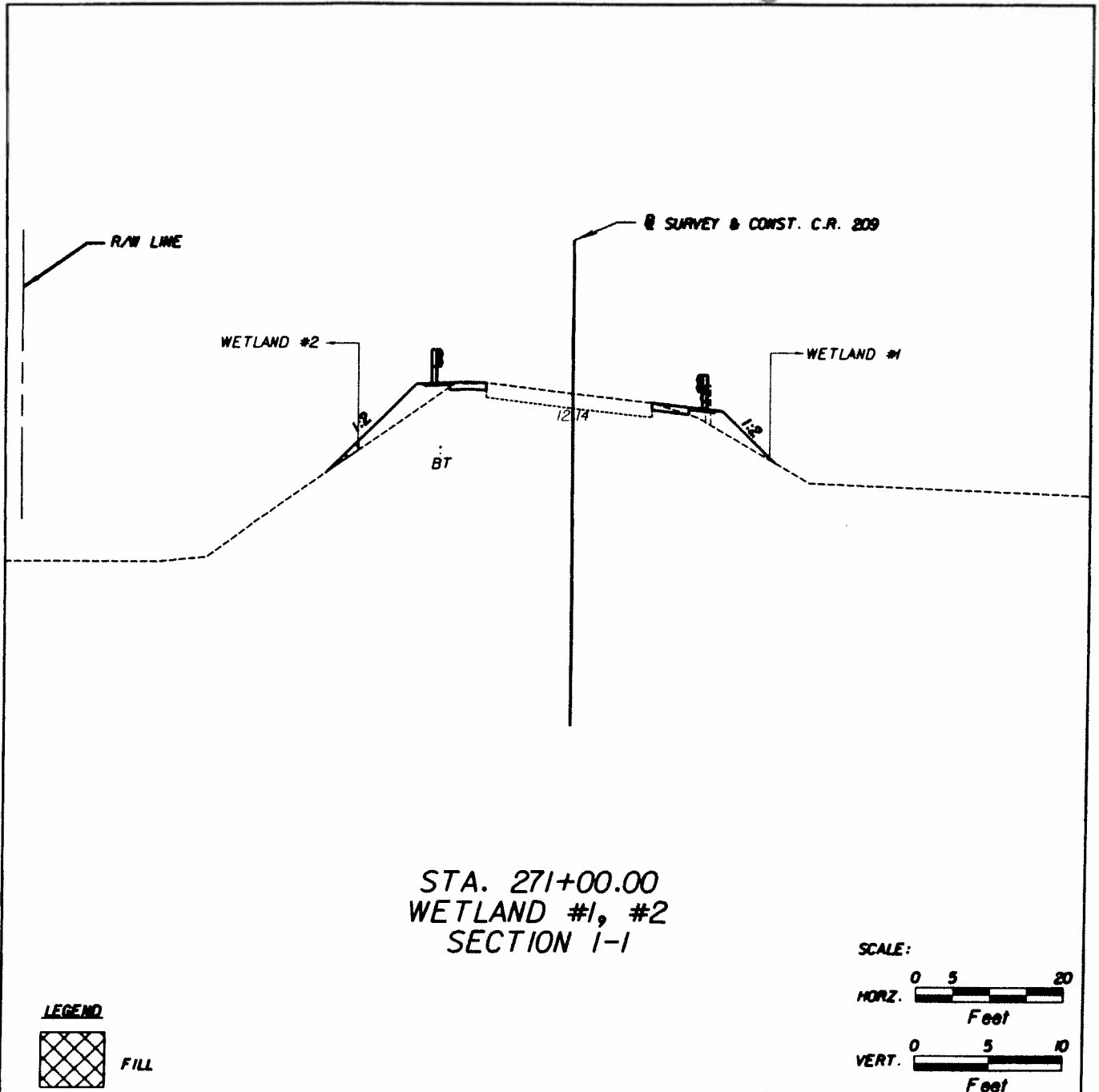
WATER BODY: WETLAND  
PURPOSE: JURISDICTIONAL IMPACT  
DATUM: NAVD 1988

CLAY COUNTY  
STATE OF FLORIDA

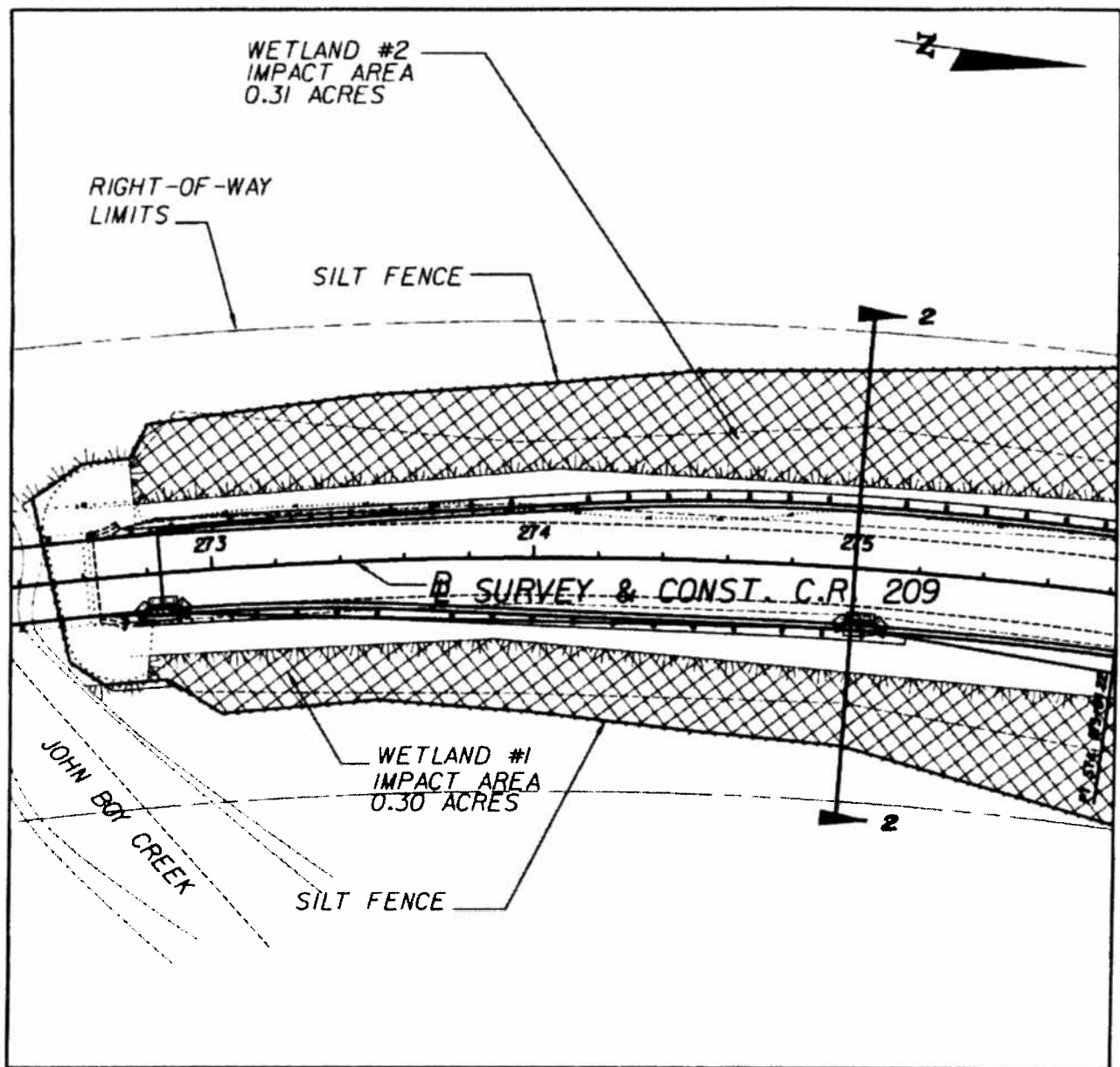


STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

SHEET 3 OF 15  
*[Signature]*  
Signed  
DATE 10/01/07  
REG. FLA. ENG. NO. 37300



<p><b>PROJECT:</b> CR 209          FPN# 211560-2-52-01          SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST</p>		<p><b>DREDGE AND FILL SKETCHES</b></p>	
<p><b>WATER BODY:</b> WETLAND</p>		<p>CLAY COUNTY          STATE OF FLORIDA</p>	
<p><b>PURPOSE:</b> JURISDICTIONAL IMPACT</p>			
<p><b>DATUM:</b> NAVD 1988</p>			
		<p>SHEET 4 OF 18</p>	
		<p><i>[Signature]</i>          Signed          DATE 10/01/07          REG. FLA. ENG. NO. 37300</p>	
<p>STATE OF FLORIDA          DEPARTMENT OF TRANSPORTATION</p>			



**LEGEND**



**WETLAND  
IMPACT AREA**

**WETLAND #1, #2**

**SCALE:**



**PROJECT:** CR 209  
 FPN# 211560-2-52-01  
 SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

**DREDGE AND FILL SKETCHES**

**WATER BODY:** WETLAND  
**PURPOSE:** JURISDICTIONAL IMPACT  
**DATUM:** NAVD 1988

CLAY COUNTY  
 STATE OF FLORIDA



STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

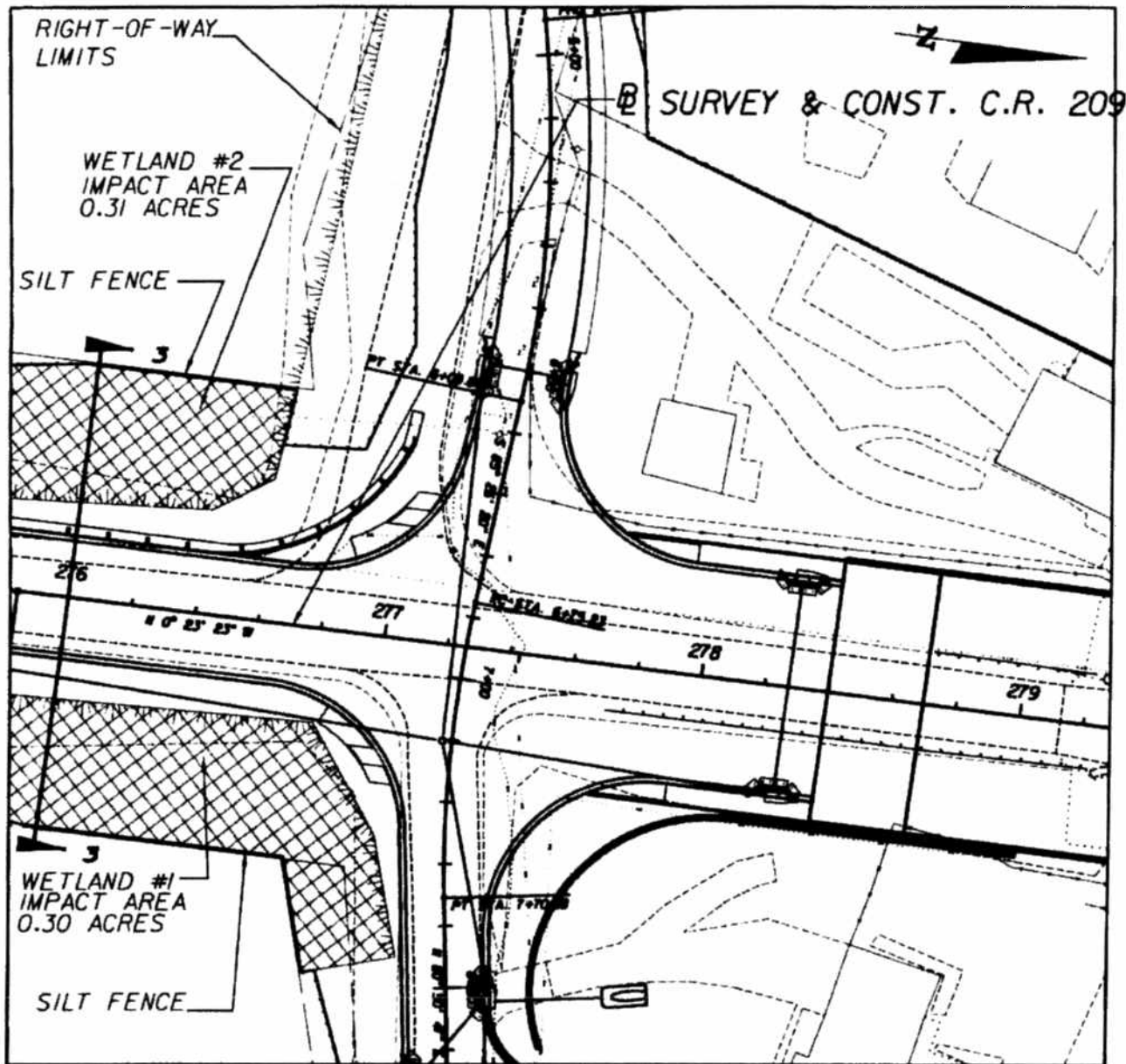
SHEET 5 OF 18

*[Signature]*  
 Signed  
 DATE 10/01/07

REG. FLA. ENG. NO. 37300







**LEGEND**



WETLAND  
IMPACT AREA

WETLAND #1, #2

SCALE:



PROJECT: CR 209  
FPN: 211560-2-52-01  
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

DREDGE AND FILL SKETCHES

WATER BODY: WETLAND  
PURPOSE: JURISDICTIONAL IMPACT  
DATUM: NAVD 1988

CLAY COUNTY  
STATE OF FLORIDA



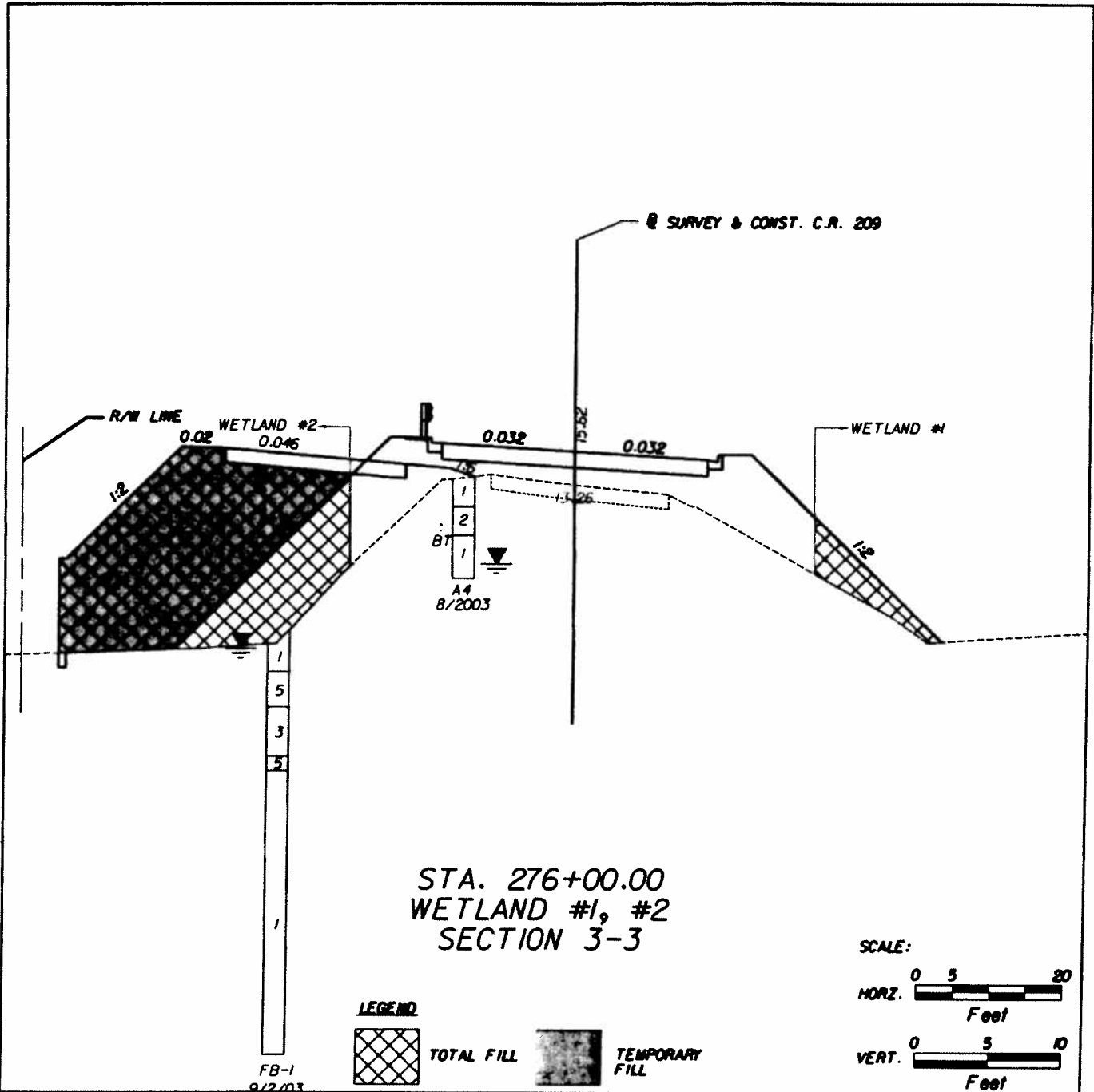
STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

SHEET 7 OF 18

*[Signature]*  
Signed

DATE 10/01/07

REG. FLA. ENG. NO. 37300



PROJECT: CR 209  
 FPN# 211560-2-52-01  
 SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

DREDGE AND FILL SKETCHES

WATER BODY: WETLAND  
 PURPOSE: JURISDICTIONAL IMPACT  
 DATUM: NAVD 1988

CLAY COUNTY  
 STATE OF FLORIDA

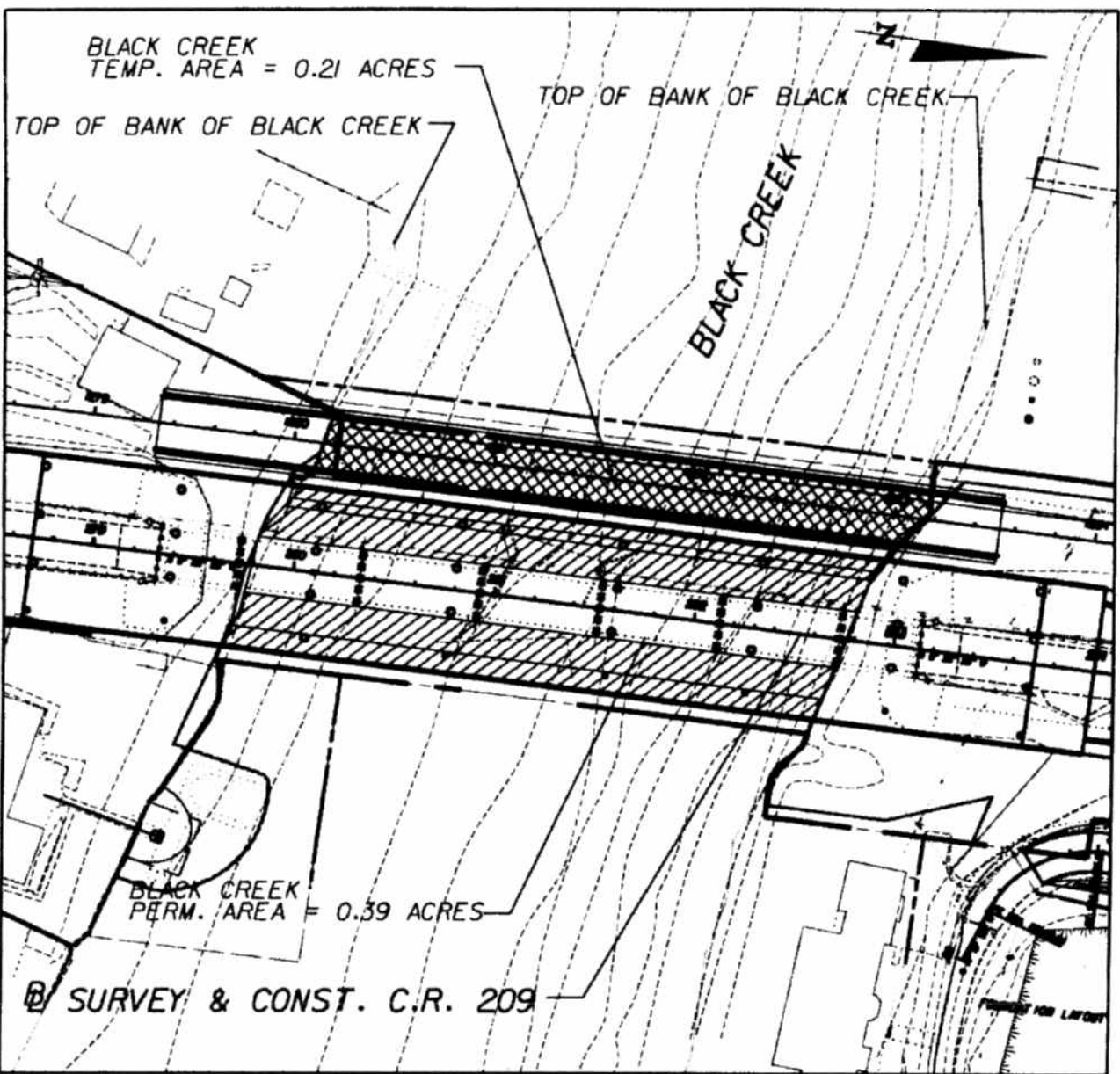
SHEET 8 OF 18



STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

DATE 10/01/07

REG. FLA. ENG. NO. 37300



**LEGEND**



PERMANENT  
SHADING IMPACTS



TEMPORARY  
SHADING IMPACTS

**BLACK CREEK**

SCALE:



PROJECT: CR 209  
 FPN: 211560-2-52-01  
 SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

**DREDGE AND FILL SKETCHES**

WATER BODY: BLACK CREEK  
 PURPOSE: JURISDICTIONAL IMPACT

CLAY COUNTY  
 STATE OF FLORIDA

DATUM: NAVD 1988

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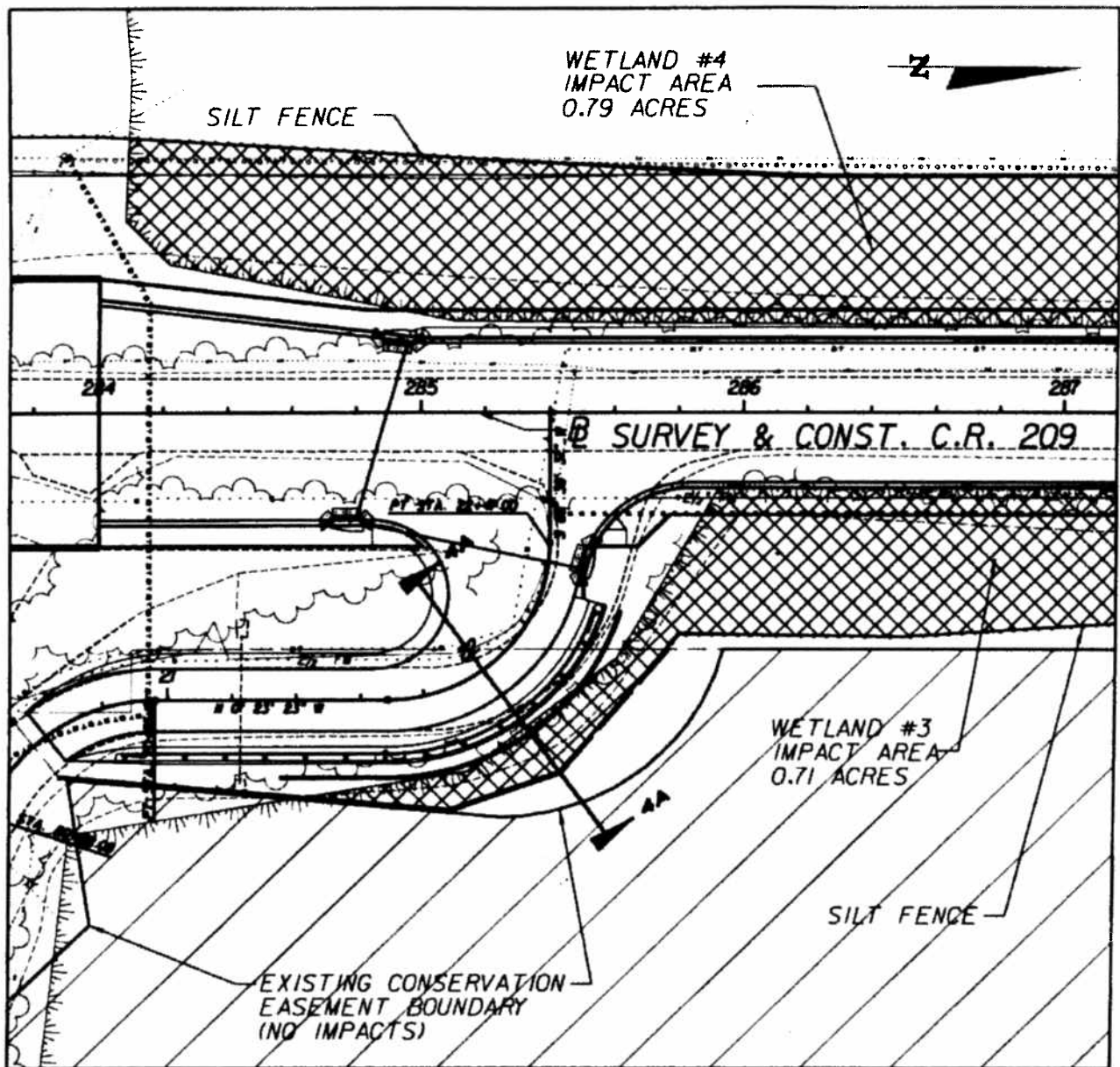


**DRMP**  
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STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

Signed \_\_\_\_\_  
 DATE 10/01/07

REG. F.L.A. ENG. NO. 37300



**LEGEND**



WETLAND  
IMPACT AREA

**WETLAND #3, #4,  
CONSERVATION  
EASEMENT**

SCALE:



PROJECT: CR 209  
FPN: 211560-2-52-01  
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

DREDGE AND FILL SKETCHES

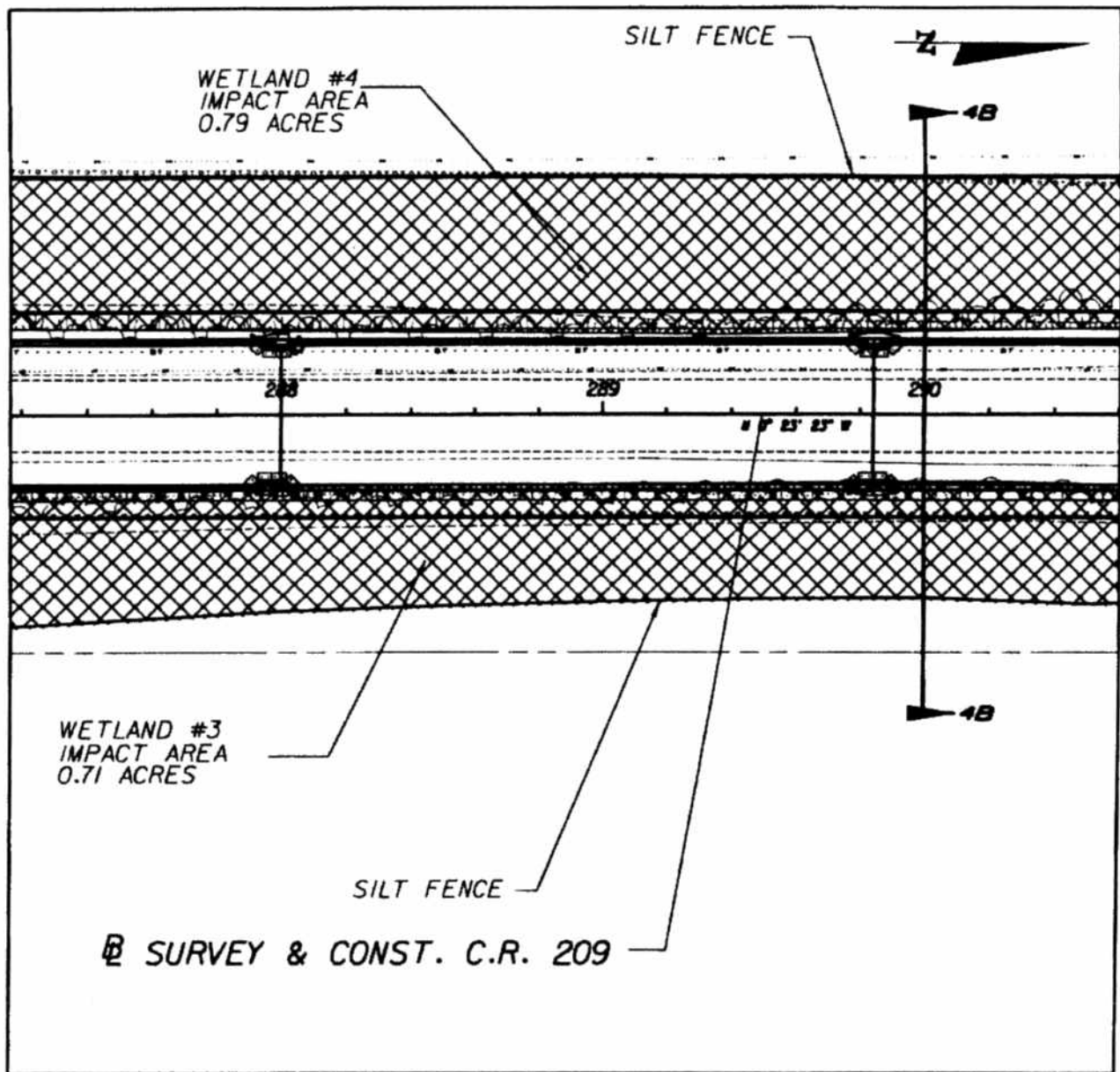
WATER BODY: WETLAND  
PURPOSE: JURISDICTIONAL IMPACT  
DATUM: NAVD 1988

CLAY COUNTY  
STATE OF FLORIDA



STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

SHEET 10 OF 10  
Signed \_\_\_\_\_  
DATE 10/01/07  
REG. FLA. ENG. NO. 37,300



**LEGEND**



**WETLAND  
IMPACT AREA**

**WETLAND #3, #4**

**SCALE:**



**PROJECT:** CR 209  
FPN: 211560-2-52-01  
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

**DREDGE AND FILL SKETCHES**

**WATER BODY:** WETLAND  
**PURPOSE:** JURISDICTIONAL IMPACT  
**DATUM:** NAVD 1988

CLAY COUNTY  
STATE OF FLORIDA

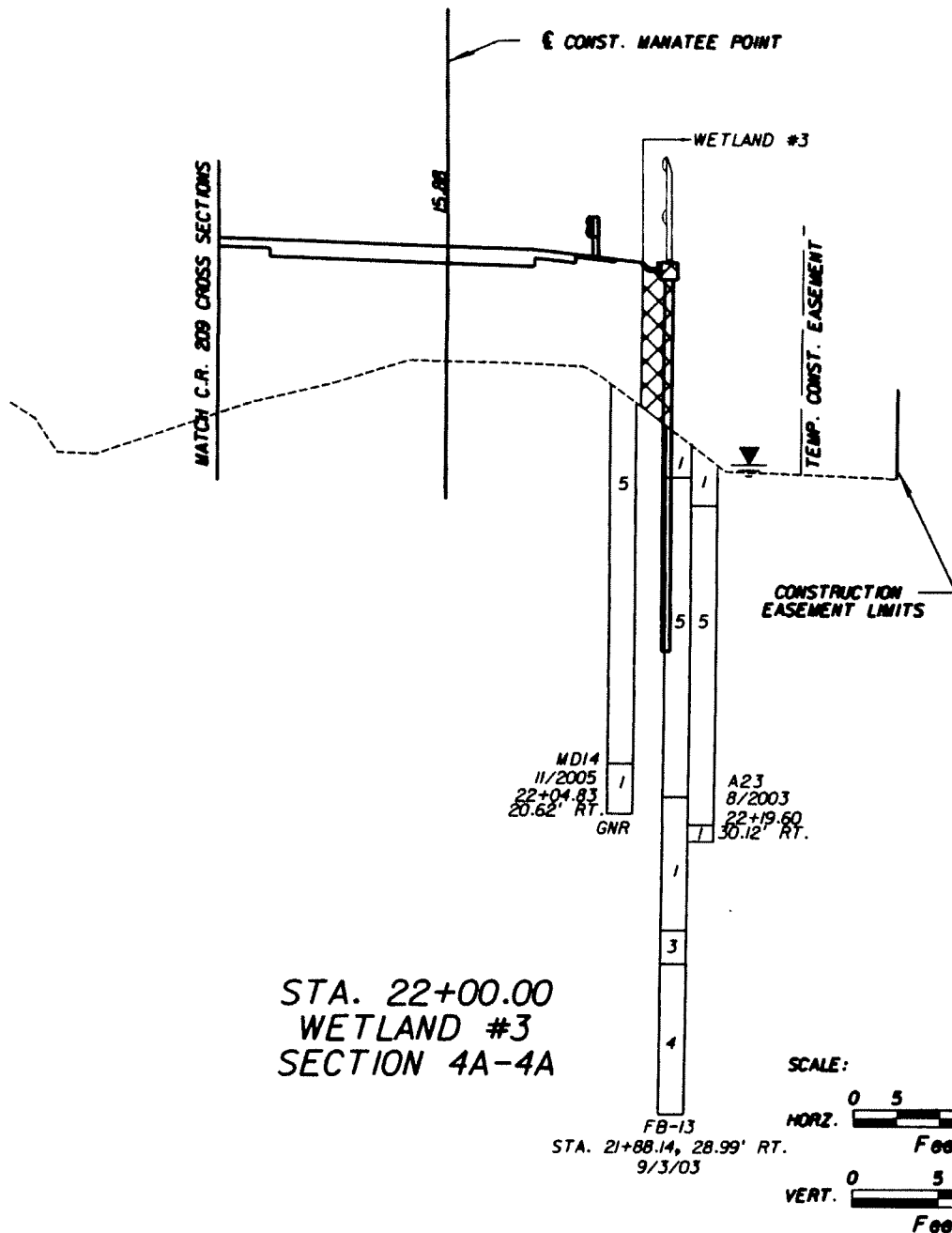
SHEET 11 OF 11



STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

Signed \_\_\_\_\_  
DATE 10/01/07  
REG. FLA. ENG. NO. 37300





STA. 22+00.00  
WETLAND #3  
SECTION 4A-4A

**LEGEND**



TOTAL  
FILL

SCALE:

HORIZ. 0 5 20  
Feet

VERT. 0 5 10  
Feet

PROJECT: CR 209  
FPN# 211560-2-52-01  
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

DREDGE AND FILL SKETCHES

WATER BODY: WETLAND  
PURPOSE: JURISDICTIONAL IMPACT  
DATUM: NAVD 1988

CLAY COUNTY  
STATE OF FLORIDA



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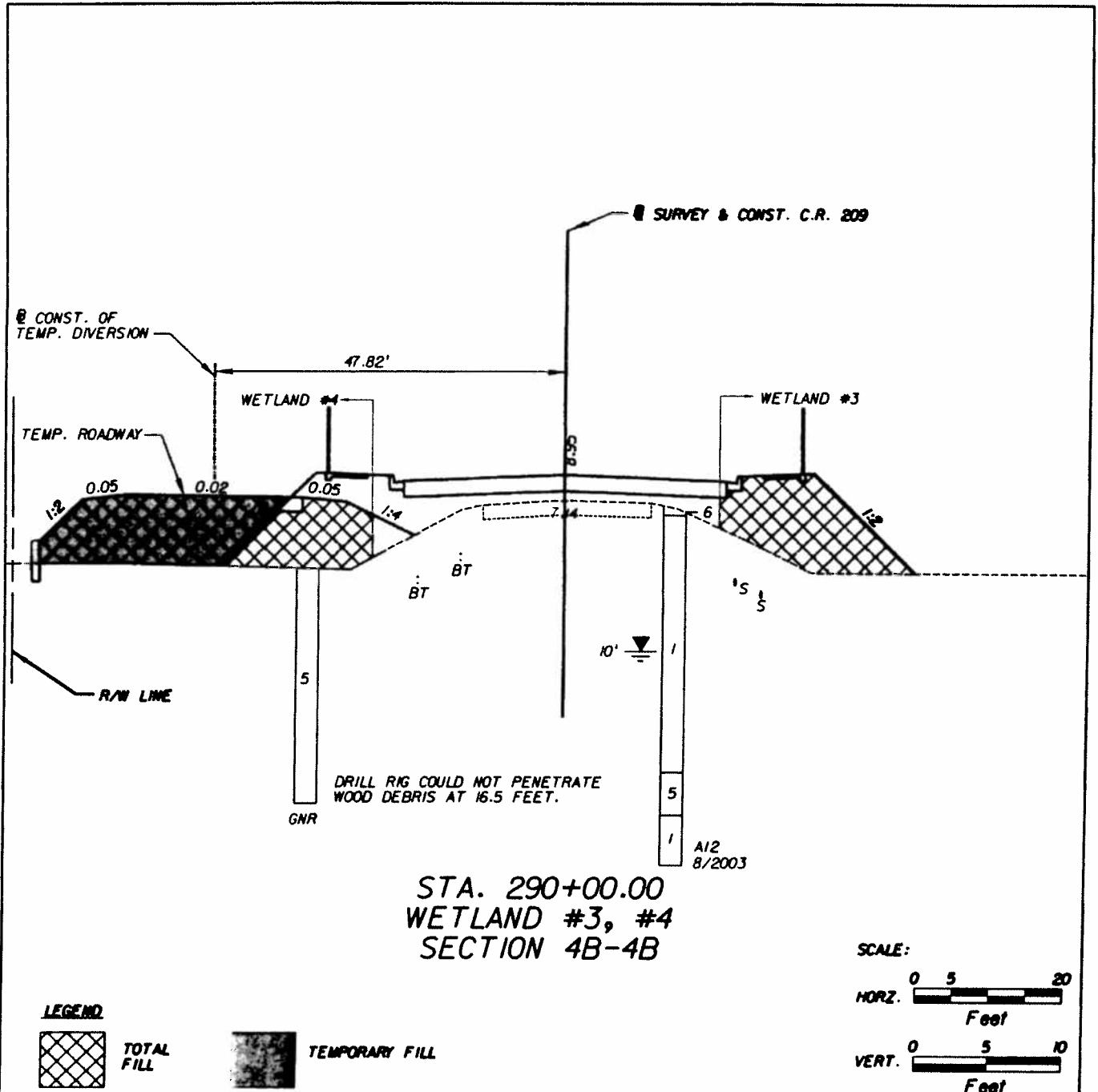
STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

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DATE 10/01/07

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PROJECT: CR 209  
 FPN# 211560-2-52-01  
 SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

WATER BODY: WETLAND  
 PURPOSE: JURISDICTIONAL IMPACT  
 DATUM: NAVD 1988

CLAY COUNTY  
 STATE OF FLORIDA

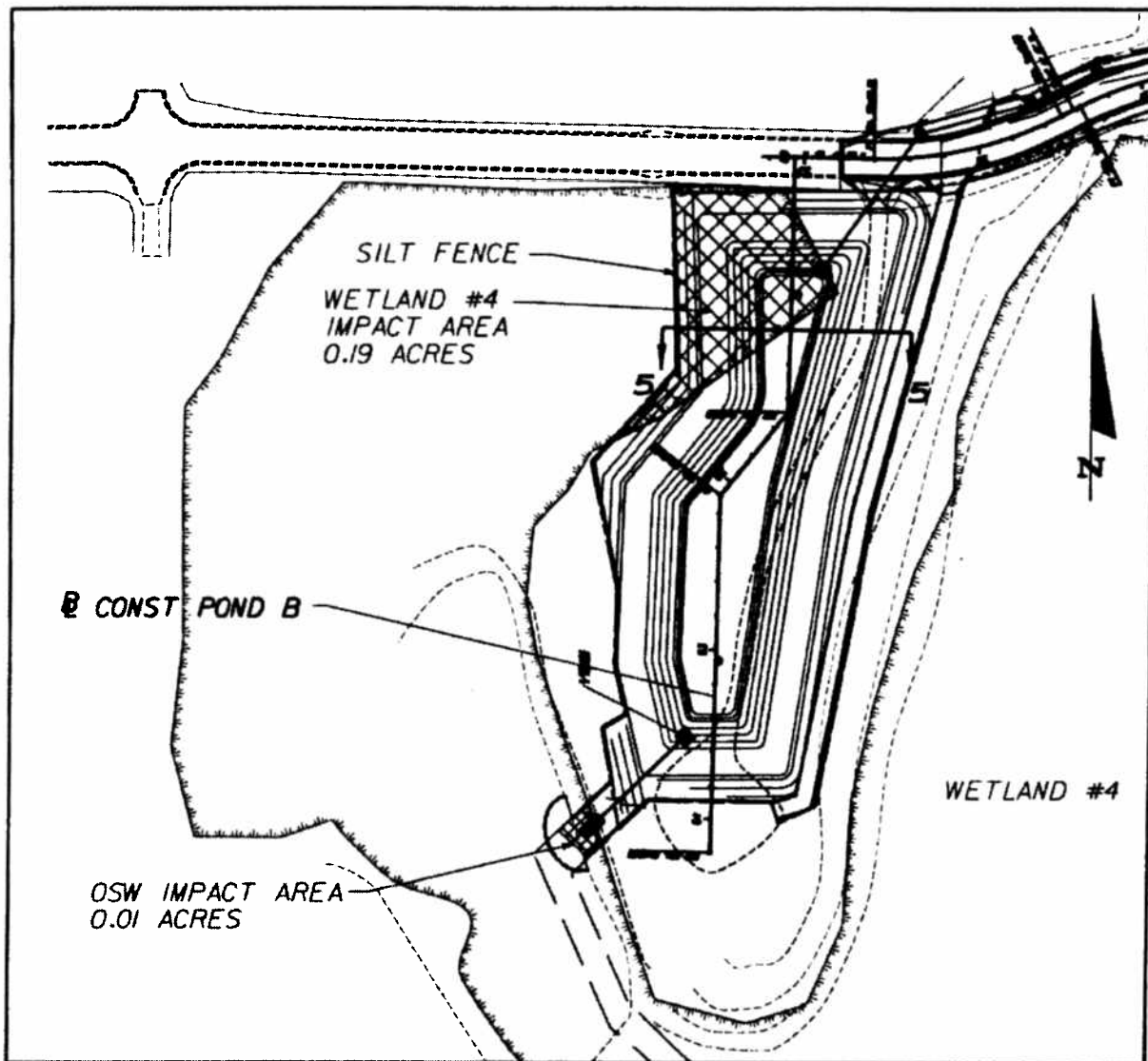
DREDGE AND FILL SKETCHES



STATE OF FLORIDA  
 DEPARTMENT OF TRANSPORTATION

SHEET 14 OF 18  
 Signed \_\_\_\_\_  
 DATE 10/01/07  
 REG. FLA. ENG. NO. 37300





**LEGEND**



WETLAND  
IMPACT AREA

**WETLAND #4**

SCALE:



PROJECT: CR 209  
 FPN# 211560-2-52-01  
 SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

DREDGE AND FILL SKETCHES

WATER BODY: WETLAND  
 PURPOSE: JURISDICTIONAL IMPACT  
 DATUM: NAVD 1988

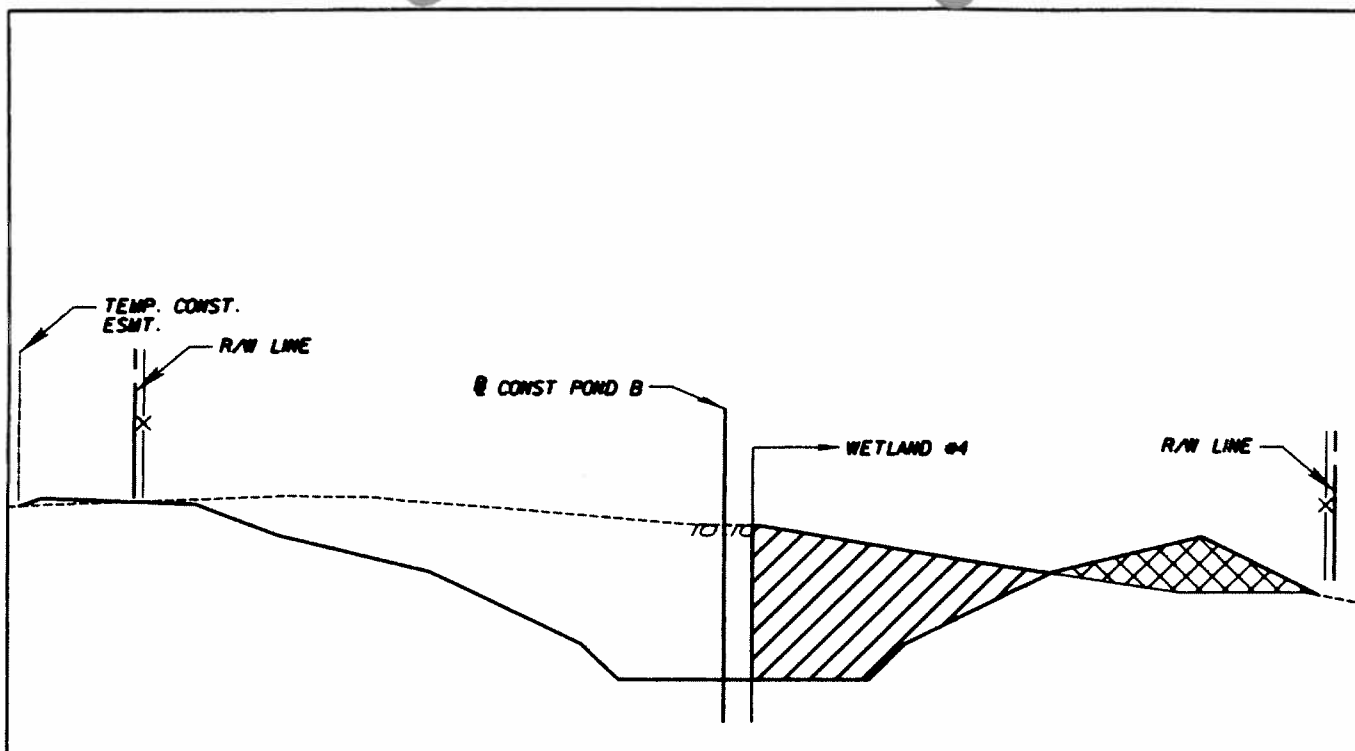
CLAY CLAY  
 STATE OF FLORIDA



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 DEPARTMENT OF TRANSPORTATION

SHEET 15 OF 18  
 Signed \_\_\_\_\_  
 DATE 10/01/07  
 REG. FLA. ENG. NO. 37300



STA. 61+00.00  
WETLAND #4  
SECTION 5-5

**LEGEND**

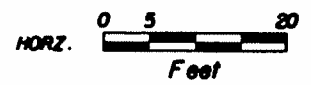


FILL



DREDGE

**SCALE:**



PROJECT: CR 209  
FPN# 211560-2-52-01  
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

WATER BODY: WETLAND

PURPOSE: JURISDICTIONAL IMPACT

DATUM: NAVD 1988

**DREDGE AND FILL SKETCHES**

CLAY COUNTY  
STATE OF FLORIDA

SHEET 16 OF 18

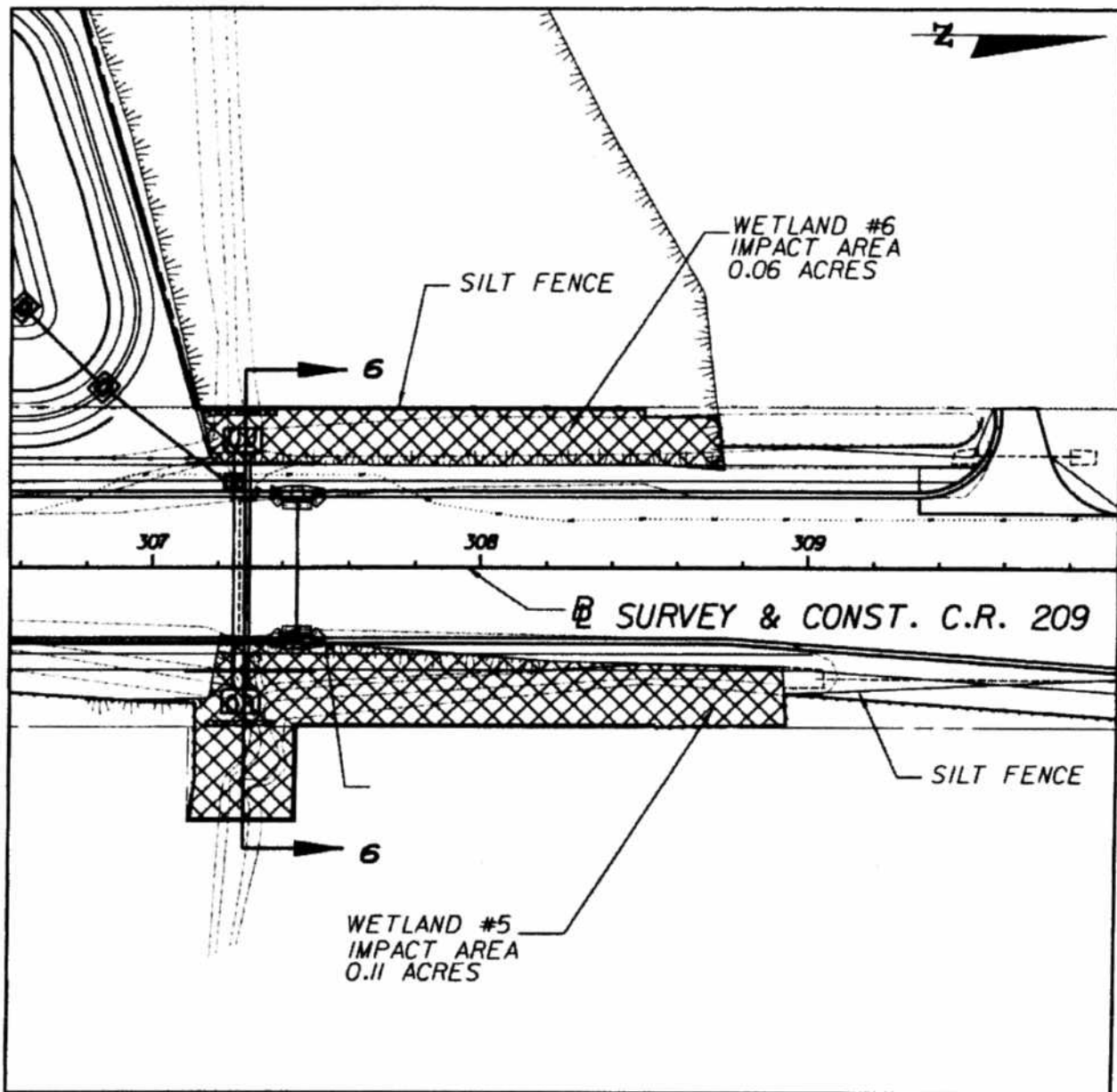


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STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

*[Signature]*  
Signed  
DATE 10/01/07

REG. FLA. ENG. NO. 37300



**LEGEND**



WETLAND  
IMPACT AREA

**WETLAND IMPACT #5, #6**

0 10 50  
Feet

PROJECT: CR 209  
FPN# 211560-2-52-01  
SECTION 4, TOWNSHIP 5 SOUTH, RANGE 25 EAST

DREDGE AND FILL SKETCHES

CLAY COUNTY  
STATE OF FLORIDA

WATER BODY: WETLAND  
PURPOSE: JURISDICTIONAL IMPACT  
DATUM: NAVD 1988

SHEET 17 OF 18

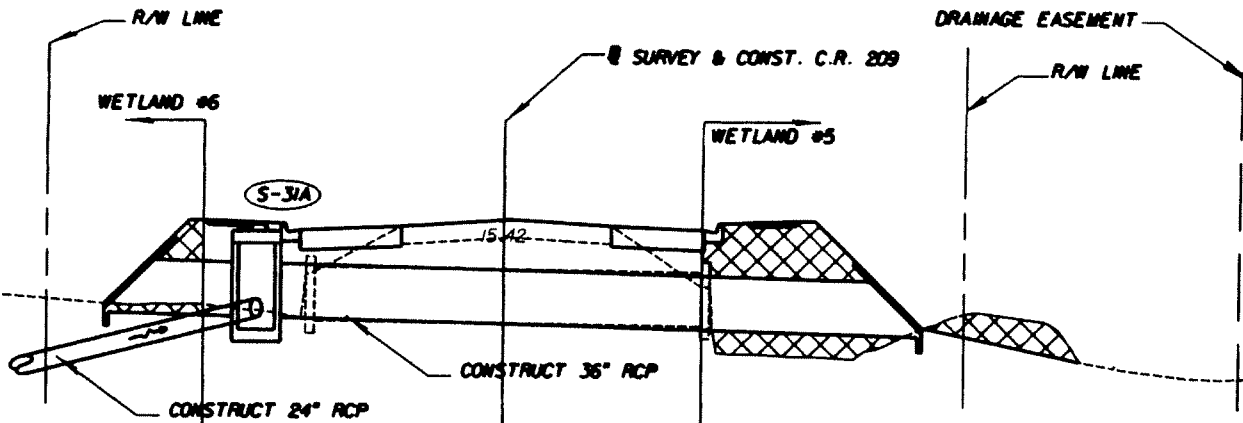


**DRMP**  
ENGINEERS - SURVEYORS - PLANNERS - SCIENTISTS

STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

*[Signature]*  
Signed  
DATE 10/01/07

REG. FLA. ENG. NO. 37300



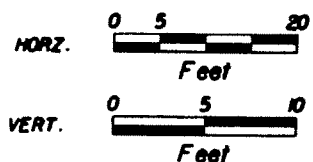
**LEGEND**



FILL

STA. 307+28.25  
WETLAND #5, #6  
SECTION 6-6

SCALE:



PROJECT: CR 209  
FPN# 211560-2-52-01  
SECTION 9, TOWNSHIP 5 SOUTH, RANGE 25 EAST

DREDGE AND FILL SKETCHES

WATER BODY: WETLAND  
PURPOSE: JURISDICTIONAL IMPACT  
DATUM: NAVD 1988

CLAY COUNTY  
STATE OF FLORIDA



STATE OF FLORIDA  
DEPARTMENT OF TRANSPORTATION

SHEET 18 OF 18

*[Signature]*  
Signed  
DATE 10/01/07

REG. FLA. ENG. NO. 37300

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT  
Post Office Box 1429  
Palatka, Florida 32178-1429

PERMIT NO. 4-019-109131-1

DATE ISSUED: July 8, 2008

PROJECT NAME: 209 Roadway Widening and Replacement of Bridge No. 710028 over Black Creek

**A PERMIT AUTHORIZING:**

Construction of a surface water management system with stormwater treatment by wet detention for CR-209 Roadway Widening and Replacement of Bridge No. 710028 over Black Creek, a 15.70-acre project.

**LOCATION:**

Section(s): 4, 9                      Township(s): 5S                      Range(s): 25E

Clay County

**ISSUED TO:**

Florida Department of Transportation  
1109 S Marion St  
Lake City, FL 32025

Permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to permittee any property rights nor any rights of privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes:

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated July 8, 2008

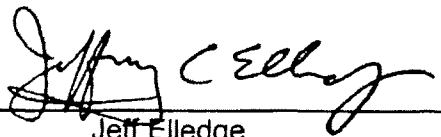
**AUTHORIZED BY:** St. Johns River Water Management District

Department of Water Resources

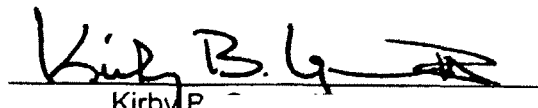
Governing Board

**JACKSONVILLE DISTRICT  
USACE**

By:

  
Jeff Elledge  
(Director)

By:

  
Kirby B.  
(Assistant)

U.S. Army Corps of Engineers  
Permit # SAJ-2003-5007  
Date: 7/24/08  
Attachment: 2



**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 4-019-109131-1**  
**FLORIDA DEPARTMENT OF TRANSPORTATION**  
**DATED JULY 8, 2008**

1. All activities shall be implemented as set forth in the plans, specifications and performance criteria as approved by this permit. Any deviation from the permitted activity and the conditions for undertaking that activity shall constitute a violation of this permit.
2. This permit or a copy thereof, complete with all conditions, attachments, exhibits, and modifications, shall be kept at the work site of the permitted activity. The complete permit shall be available for review at the work site upon request by District staff. The permittee shall require the contractor to review the complete permit prior to commencement of the activity authorized by this permit.
3. Activities approved by this permit shall be conducted in a manner which do not cause violations of state water quality standards.
4. Prior to and during construction, the permittee shall implement and maintain all erosion and sediment control measures (best management practices) required to retain sediment on-site and to prevent violations of state water quality standards. All practices must be in accordance with the guidelines and specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988), which are incorporated by reference, unless a project specific erosion and sediment control plan is approved as part of the permit, in which case the practices must be in accordance with the plan. If site specific conditions require additional measures during any phase of construction or operation to prevent erosion or control sediment, beyond those specified in the erosion and sediment control plan, the permittee shall implement additional best management practices as necessary, in accordance with the specifications in chapter 6 of the Florida Land Development Manual: A Guide to Sound Land and Water Management (Florida Department of Environmental Regulation 1988). The permittee shall correct any erosion or shoaling that causes adverse impacts to the water resources.
5. Stabilization measures shall be initiated for erosion and sediment control on disturbed areas as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 7 days after the construction activity in that portion of the site has temporarily or permanently ceased.
6. At least 48 hours prior to commencement of activity authorized by this permit, the permittee shall submit to the District a Construction Commencement Notice Form No. 40C-4.900(3) indicating the actual start date and the expected completion date.
7. When the duration of construction will exceed one year, the permittee shall submit construction status reports to the District on an annual basis utilizing an Annual Status Report Form No. 40C-4.900(4). These forms shall be submitted during June of each year.
8. For those systems which will be operated or maintained by an entity which will require an easement or deed restriction in order to provide that entity with the authority necessary to operate or maintain the system, such easement or deed restriction, together with any other final operation or maintenance documents as are required by subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, must be submitted to the District for approval. Documents meeting the requirements set forth in these subsections of the Applicant's Handbook will be approved. Deed restrictions, easements and other operation and maintenance documents which require recordation either with the Secretary of State or the Clerk of the Circuit Court must be so recorded prior

to lot or unit sales within the project served by the system, or upon completion of construction of the system, whichever occurs first. For those systems which are proposed to be maintained by county or municipal entities, final operation and maintenance documents must be received by the District when maintenance and operation of the system is accepted by the local governmental entity. Failure to submit the appropriate final documents referenced in this paragraph will result in the permittee remaining liable for carrying out maintenance and operation of the permitted system.

9. Each phase or independent portion of the permitted system must be completed in accordance with the permitted plans and permit conditions prior to the initiation of the permitted use of site infrastructure located within the area served by the portion or phase of the system. Each phase or independent portion of the system must be completed in accordance with the permitted plans and permit conditions prior to transfer of responsibility for operation and maintenance of that phase or portion of the system to local government or other responsible entity.
10. Within 30 days after completion of construction of the permitted system, or independent portion of the system, the permittee shall submit a written statement of completion and certification by a registered professional engineer or other appropriate individual as authorized by law, utilizing As Built Certification Form 40C-1.181(13) or 40C-1.181(14) supplied with this permit. When the completed system differs substantially from the permitted plans, any substantial deviations shall be noted and explained and two copies of as-built drawings submitted to the District. Submittal of the completed form shall serve to notify the District that the system is ready for inspection. The statement of completion and certification shall be based on on-site observation of construction (conducted by the registered professional engineer, or other appropriate individual as authorized by law, or under his or her direct supervision) or review of as-built drawings for the purpose of determining if the work was completed in compliance with approved plans and specifications. As-built drawings shall be the permitted drawings revised to reflect any changes made during construction. Both the original and any revised specifications must be clearly shown. The plans must be clearly labeled as "as-built" or "record" drawing. All surveyed dimensions and elevations shall be certified by a registered surveyor. The following information, at a minimum, shall be verified on the as-built drawings:
  1. Dimensions and elevations of all discharge structures including all weirs, slots, gates, pumps, pipes, and oil and grease skimmers;
  2. Locations, dimensions, and elevations of all filter, exfiltration, or underdrain systems including cleanouts, pipes, connections to control structures, and points of discharge to the receiving waters;
  3. Dimensions, elevations, contours, or cross-sections of all treatment storage areas sufficient to determine state-storage relationships of the storage area and the permanent pool depth and volume below the control elevation for normally wet systems, when appropriate;
  4. Dimensions, elevations, contours, final grades, or cross-sections of the system to determine flow directions and conveyance of runoff to the treatment system;
  5. Dimensions, elevations, contours, final grades, or cross-sections of all conveyance systems utilized to convey off-site runoff around the system;
  6. Existing water elevation(s) and the date determined; and Elevation and location of benchmark(s) for the survey.

11. The operation phase of this permit shall not become effective until the permittee has complied with the requirements of general condition 9 above, the District determines the system to be in compliance with the permitted plans, and the entity approved by the District in accordance with subsections 7.1.1 through 7.1.4 of the Applicant's Handbook: Management and Storage of Surface Waters, accepts responsibility for operation and maintenance of the system. The permit may not be transferred to such an approved operation and maintenance entity until the operation phase of the permit becomes effective. Following inspection and approval of the permitted system by the District, the permittee shall request transfer of the permit to the responsible approved operation and maintenance entity, if different from the permittee. Until the permit is transferred pursuant to section 7.1 of the Applicant's Handbook: Management and Storage of Surface Waters, the permittee shall be liable for compliance with the terms of the permit.
12. Should any other regulatory agency require changes to the permitted system, the permittee shall provide written notification to the District of the changes prior implementation so that a determination can be made whether a permit modification is required.
13. This permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any activity approved by this permit. This permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the permit and chapter 40C-4 or chapter 40C-40, F.A.C.
14. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities which may arise by reason of the activities authorized by the permit or any use of the permitted system.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered specifically approved unless a specific condition of this permit or a formal determination under rule 40C-1.1006, F.A.C., provides otherwise.
16. The permittee shall notify the District in writing within 30 days of any sale, conveyance, or other transfer of ownership or control of the permitted system or the real property at which the permitted system is located. All transfers of ownership or transfers of a permit are subject to the requirements of rule 40C-1.612, F.A.C. The permittee transferring the permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to such sale, conveyance or other transfer.
17. Upon reasonable notice to the permittee, District authorized staff with proper identification shall have permission to enter, inspect, sample and test the system to insure conformity with the plans and specifications approved by the permit.
18. If historical or archaeological artifacts are discovered at any time on the project site, the permittee shall immediately notify the District.
19. The permittee shall immediately notify the District in writing of any previously submitted information that is later discovered to be inaccurate.
20. Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.



21. Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
22. Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in Sections 253.04 and 258.46, F.S., or Chapter 18-14, F.A.C.
23. Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
24. Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.
25. Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
26. Structures or activities shall not create a navigational hazard.
27. Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of Rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
28. Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(f), F.A.C., or any other applicable law.
29. This permit for construction will expire five years from the date of issuance.
30. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
31. Prior to construction, the permittee must clearly designate the limits of construction on-site. The permittee must advise the contractor that any work outside the limits of construction, including clearing, may be a violation of this permit.
32. The proposed surface water management system must be constructed as per plans received by the District on June 4, 2007, and 8.5"x11" plans received on October 4, 2007.
33. Mitigation to offset the impacts to wetlands and other surface waters authorized by this permit will be provided through Section 373.4137, F.S. Construction activities shall not occur prior to the approval of the mitigation plan by the District's Governing Board or its designee.
34. Blasting is prohibited under this permit. In the event the permittee proposes to conduct blasting, the permittee shall apply for and obtain a modification of this permit that authorizes blasting in accordance with appropriate conditions before conducting any such blasting.

35. At least 30 days prior to the anticipated commencement of construction or demolition, the applicant must submit a detailed bridge demolition plan prepared by the contractor that identifies the means and methods of the demolition. The detailed means and method plan must be consistent with the plan submitted by the applicant on May 29, 2008. The applicant must receive written approval from the District of the detailed demolition plan prior to the commencement of construction or demolition.
36. The stormwater management system shall be inspected by the operation and maintenance entity once within two years after the completion of construction and every two years thereafter to ensure that the system is functioning as designed and permitted. If a required inspection reveals that the system is not functioning as designed and permitted, then within 14 days of that inspection the entity shall submit an Exceptions Report on form number 40C-42.900(6), Exceptions Report for Stormwater Management Systems Out of Compliance. The operation and maintenance entity must maintain a record of each required inspection, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours.
37. Blasting is prohibited under this easement. In the event, the grantee proposes to conduct blasting, the grantee shall seek and obtain a modification of this easement that authorizes blasting in accordance with appropriate conditions before conducting any such blasting.

Manatee Conditions (attached)

## MANATEE CONDITIONS

1. The permittee shall instruct all personnel associated with the project of the potential presence of manatees and the need to avoid collisions with manatees. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).
2. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act.
3. Siltation barriers shall be made of material in which manatees cannot become entangled, and shall be properly secured and regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to, or exit from, essential habitat.
4. All vessels associated with construction/dredging activities shall operate at "no wake/idle" speeds at all times while in the construction area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels shall follow routes of deep water whenever possible.
5. If manatee(s) are seen within 100 yards of the active daily construction/dredging operation or vessel movement, all appropriate precautions shall be implemented to ensure protection of the manatee(s). These precautions shall include the operation of all moving equipment no closer than within 50 feet of a manatee. Operation of any equipment within 50 feet or less of a manatee is prohibited. Upon discovery of a manatee within 50 feet or less from construction equipment, such equipment shall be shut down immediately. Activities associated with construction or dredging shall not resume until the manatee(s) has departed the project area of its own volition.
6. Any collision with and/or injury to a manatee shall be reported immediately to the Fish and Wildlife Conservation Commission at (1-888-404-FWCC). Collision and injury should also be reported to the U. S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) in south Florida.

7. Temporary signs concerning manatees shall be posted prior to and during all construction/dredging activities. All signs are to be removed by the permittee upon completion of the project. A sign measuring at least 3 feet by 4 feet that reads **Caution: Manatee Area** shall be posted in a location prominently visible to water-related construction crews. A second sign shall be posted if vessels are associated with the construction or dredging activities authorized by a permit consolidated with this sovereign submerged lands authorization, and shall be placed in a location visible to the vessel operator. It shall measure at least 8 ½" by 11" and read:

***Caution: Manatee Habitat. Idle speed is required if operating a vessel in the construction area. All equipment must be shut down if a manatee comes within 50 feet of any operating construction equipment. Any collision with and/or injury to a manatee shall be reported immediately to the Fish and Wildlife Conservation Commission at (1-888-404-FWCC). The U.S. Fish and Wildlife Service should also be contacted in Jacksonville at (1-904-232-2580) for north Florida or in Vero Beach (1-561-562-3909) for south Florida.***

Marinas, Docking/Launching Facilities, Permanent Caution and Information Display Signs

8. Prior to the commencement of operations at the docking/launching facility, permittee shall install and maintain permanent manatee awareness signs and information displays at the docking/launching facility. Prior to installing the permanent manatee awareness signs and information displays, the permittee shall send a project site plan specifying the number, size, content and location of the signs to the Bureau of Protected Species Management (620 South Meridian Street, OES-BPS, Tallahassee, FL 32399-1600) and the District for review and approval. These signs shall conform to the Florida Uniform Water Marking System in accordance with sections 327.40 and 327.41, Florida Statutes.
9. Prior to the commencement of operations at the docking/launching facility, permittee shall install permanent manatee awareness signs reading "Caution – Manatee Area". The number and location of these permanent manatee awareness signs shall be included in the project site plan. The permanent manatee awareness signs shall measure 3' by 4'. The "Caution – Manatee Area" signs are the responsibility of the permittee and must be maintained for the life of the docking/launching facility.

10. Prior to the commencement of operations at the docking/launching facility, permittee shall install a permanent "Information Display." The Information Display shall consist of "Manatee Basics for Boaters" or a combination of "Protecting the Gentle Giant" and "The Florida Manatee." If the permittee selects "Manatee Basics for Boaters", the sign shall measure 3' by 4'. If the permittee selects a combination of "Protecting the Gentle Giant" and "The Florida Manatee", each sign shall measure 2' by 3'. The Information Display must be installed by permittee at a prominent location (facing land) to increase the awareness of boaters using the facility of the presence of manatees and of the need to minimize the threat of boats to these animals. The number, content and location of the Information Display signs shall be specified in the project site plan. The Information Display signs are the responsibility of the permittee and must be maintained for the life of the docking/launching facility.
11. Prior to the commencement of operations at the docking/launching facility, verification that permanent manatee awareness signs and information displays have been installed at designated locations shall be provided to the District. Signs, displays and pilings remain the responsibility of the permittee and are to be maintained for the life of the facility.

AS-BUILT CERTIFICATION BY PROFESSIONAL ENGINEER

Submit this form and one set of as-built engineered drawings to the U.S. Army Corps of Engineers, Enforcement Branch, Post Office Box 4970, Jacksonville, Florida 32232-0019. If you have questions regarding this requirement, please contact the Enforcement Branch at 904-232-2907.

1. Department of the Army Permit Number: \_\_\_\_\_

2. Permittee Information:

Name \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

3. Project Site Identification:

Physical location/address \_\_\_\_\_  
\_\_\_\_\_

4. As-Built Certification:

I hereby certify that the authorized work has been accomplished in accordance with the Department of the Army permit with any deviations noted below. This determination is based upon on-site observation, scheduled and conducted by me or by a project representative under my direct supervision. I have enclosed one set of as-built engineering drawings.

\_\_\_\_\_  
Signature of Engineer

\_\_\_\_\_  
Name (Please type)

\_\_\_\_\_  
Florida Reg. Number

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Address

(Affix Seal)

\_\_\_\_\_  
City State ZIP

\_\_\_\_\_  
Date

\_\_\_\_\_  
Telephone Number

Deviations from the approved plans and specifications: (attach additional pages if necessary)

U.S. Army Corps of Engineers  
Permit # 545-2003-5223

Date: JUL 24 2008

Attachment: 3



## STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:
  - a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
  - b. instructions not to injure, harm, harass or kill this species;
  - c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
  - d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.
2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.
3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:
  - a. any sightings of eastern indigo snakes and
  - b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

U.S. Army Corps of Engineers  
Permit # 545-2007-5223  
Date: JUL 24 2008  
Attachment: 4



## STANDARD MANATEE CONDITIONS FOR IN-WATER WORK

July 2005

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-232-2580) for north Florida or Vero Beach (1-561-562-3909) for south Florida.
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used. One sign measuring at least 3 ft. by 4 ft. which reads *Caution: Manatee Area* must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

U.S. Army Corps of Engineers

Permit # 545-203-523

Date: JUL 24 2008

Attachment: 5





**FWC Approved Manatee Educational Sign Suppliers**

**ASAP Signs & Designs**

624-B Pinellas Street  
Clearwater, FL 33756  
Phone: (727) 443-4878  
Fax: (727) 442-7573

**Wilderness Graphics, Inc.**

P. O. Box 1635  
Tallahassee, FL 32302  
Phone: (850) 224-6414  
Fax: (850) 561-3943  
[www.wildernessgraphics.com](http://www.wildernessgraphics.com)

**Cape Coral Signs & Designs**

1311 Del Prado Boulevard  
Cape Coral, FL 33990  
Phone: (239) 772-9992  
Fax: (239) 772-3848

**Municipal Supply & Sign Co.**

1095 Fifth Avenue, North  
P. O. Box 1765  
Naples, FL 33939-1765  
Phone: (800) 329-5366 or  
(239) 262-4639  
Fax: (239) 262-4645  
[www.municipalsigns.com](http://www.municipalsigns.com)

**Vital Signs**

104615 Overseas Highway  
Key Largo, FL 33037  
Phone: (305) 451-5133  
Fax: (305) 451-5163

**Universal Signs & Accessories**

2912 Orange Avenue  
Ft. Pierce, FL 34947  
Phone: (800) 432-0331 or  
(772) 461-0665  
Fax: (772) 461-0669

**New City Signs**

1829 28<sup>th</sup> Street North  
St. Petersburg, FL 33713  
Phone: (727) 323-7897  
Fax: (727) 323-1897

**United Rentals Highway  
Technologies**

309 Angle Road  
Ft. Pierce, FL 34947  
Phone: (772) 489-8772  
or (800) 489-8758 (FL only)  
Fax: (772) 489-8757

# **CAUTION: MANATEE HABITAT**

All project vessels

## **IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

## **SHUT DOWN**

Report any collision or injury to:

**1-888-404-FWCC** (1-888-404-3922)

Florida Fish and Wildlife Conservation Commission

**JUL 29 2008**

MEMORANDUM FOR RECORD

SUBJECT: Department of the Army Environmental Assessment and  
Statement of Findings for the Above-numbered Permit Application

1. Applicant: Florida Department of Transportation, District 2  
Attn: Van Humpreys  
1109 South Marion Ave.  
Lake City, Florida 32025-5874

2. Location, Project Description, Existing Conditions: The  
project is located along County Road (CR) 209 over Black Creek.  
The project is in Sections 4 and 9, Township 5 South, Range 25  
East, Clay County, Florida.

The applicant proposes impacts to 2.58 acres of waters of the  
United States (wetlands) for the widening of the CR 209 from two  
lanes to three lanes from just south of John Boy Creek north to  
the existing three lane section at Fireside Drive, approximately  
one mile. The project will include the removal of the existing  
two lane bridge across Black Creek and construction of a new  
urban type bridge on the existing alignment. A temporary bridge,  
constructed to the west of the existing alignment, will be  
utilized to maintain traffic during construction. The roadway  
improvements will result in an undivided three-lane urban roadway  
with 12'-wide travel lanes, 16'-wide shoulders, and 5'-wide  
sidewalks.

The existing CR 209 bridge over Black Creek was constructed in  
1960. The bridge structure is 380 feet and has a Sufficient  
Rating of 7. The structure is considered structurally deficient  
according to a bridge inspection report dated September 25, 2000.  
The structure is posted and cannot carry all legal vehicle  
loadings. The bridge does not have shoulders or crash-tested  
barrier walls.

The wetland systems within the project corridor include mixed  
wetland hardwoods, river swamp, and mixed hardwood-coniferous  
forest.

The mixed wetland hardwood community is associated with John Boy  
Creek and its adjacent wetlands. The community is vegetated by  
sweetgum, blackgum, bay and maple dominating the canopy. The  
shrub stratum is dominated by blue beech and dwarf palmetto,

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while the groundcover stratum is dominated by cinnamon fern, royal fern, and lizard's tail.

The river swamp community is associated with Black Creek and dominated by sweetgum, maple, sweetbay, and swamp chestnut. The shrub layer is dominated by cypress, wax myrtle, and shiny lyonia. Groundcover includes royal fern, chain fern, and lizard's tail.

Three small mixed hardwood conifer forest communities were identified within the project corridor. These systems are associated with Black Creek. The canopy is dominated by sweetgum and maple. Willow and elderberry dominate the shrub stratum, and groundcover is dominated by cinnamon fern, maidencane and smartweed.

3. Project Purpose: Basic: Replacement of existing CR 209 Black Creek bridge.

Overall: Replacement of existing CR 209 Black Creek bridge with the associated stormwater management systems.

4. Scope of Analysis: The scope of analysis was limited to the project site and included endangered species, essential fisheries habitat concerns, and cultural resources.

5. Statutory Authority: Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

6. Other Federal, State, and Local Authorizations Obtained or Required and Pending:

a. State Permit/Certification: The St. Johns River Water Management District (SJRWMD) permit number 4-019-109131 was issued on 8 July 2008.

b. Coastal Zone Management (CZM) consistency/permit: There is no evidence or indication from the State of Florida that the project is inconsistent with the Florida Coastal Zone Management Plan. Issuance of a DEP permit certifies that the project is consistent with the CZM plan.

c. Other Authorizations: No information has been received regarding any other authorizations that may be required.

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7. Date of Public Notice and Summary of Comments

a. The application was received on 29 December 2007. The application was considered complete on 23 February 2007. A public notice was issued on 16 March 2007, and sent to all interested parties including appropriate State and Federal agencies. All comments received on this application have been reviewed and are summarized below:

(1) Environmental Protection Agency (EPA): Did not respond to the public notice.

(2) U.S. Fish and Wildlife Service (FWS): Did not respond to the public notice.

(3) National Marine Fisheries Service (NMFS): By letter dated 16 April 2007, the NMFS had no objection to the proposed project with the inclusion of compensatory mitigation included in any permit issued.

(4) State Historic Preservation Officer (SHPO): By letter dated 26 August 2007, SHPO indicated that the proposed project would have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, or local significance.

(5) Michael Bowlus submitted comments on behalf of Mr. and Mrs. David Sorrells. Mr. and Mrs. Sorrells object that an Environmental Impact Statement (EIS) will not be required and request a public hearing. They are also concerned about impacts to Black Creek and the associated wetlands.

b. Applicant's response to the comments: Mr. Bowlus comments were forwarded to the applicant. No response was received.

8. Alternatives:

a. Avoidance (No action, uplands, availability of other sites): The no action alternative would not allow for project completion. Additionally, the no build alternative would allow deficiencies of the bridge to remain and potentially cause maintenance cost to increase and continuation of safety deficiencies. The applicant completed a Wetland Evaluation

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Report (WER) as part of the Project Development and Environmental Study (PD&E) completed for the proposed project. The WER evaluated six (6) build alternatives ranging from in-kind replacement to the proposed replacement with an urban-typical bridge designed for 45 mph traffic. The applicant has chosen the alternative which includes a urban-typical design based on field studies, roadway design, and right-of-way acquisition.

b. Minimization (modified project designs, etc.): The project has been minimized to the maximum extent possible that would allow the applicant to achieve the project purpose. The applicant evaluated alternative alignments which led to the preferred alternative being selected. Unavoidable impacts are anticipated to 3.5 acres of wetlands.

c. Compensatory Mitigation (Wetland enhancement, creations, etc.): The applicant initially provided a Rapid Wetland Assessment Procedure (WRAP) of the on-site wetlands and determined 1.5 functional units of loss will occur as a result of direct impacts. The Corps did not concur with the results of the functional assessment and requested an updated assessment. The applicant provided an Uniform Mitigation Assessment Method which evaluated direct and secondary impacts. The Corps concurs with the assessment and the project as proposed will cause the functional loss of 2.14 units.

Wetland impacts for this project will be mitigated through wetland management and restoration activities preformed by the SJRWMD in accordance with Senate Bill 1986. The wetland mitigation for this project was approved by the SJRWMD in the 2008 FDOT Mitigation Plan (Plan) under group SJ23 and can be found in pages 8-13 of the Plan. The previously approved mitigation for this project group is the preservation and management of regionally significant uplands and wetlands that would be managed as additions to Jennings State Forest or preservation of lands which could serve as wildlife corridors between the State Forest and other conservation lands at Cecil Field, the Northeast Florida Timberlands Florida Forever project and/or the Etoniah Cross-Florida Greenway Florida Forever project. These projects and other existing conservation lands will comprise a significant area of protected habitat, which can also serve as a part of a wildlife corridor between the Ocala and Osceola National Forests.

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The mitigation offered by the applicant is sufficient to offset impacts on the values and functions of the wetland resource impacted.

9. Evaluation of the 404(b)(1) Guidelines: The proposed project has been reviewed in accordance with the 404 (b)(1) Guidelines. The review shows that all the alternatives have been reviewed and it has been adequately demonstrated that the proposed alternative is the least environmentally damaging and only practicable alternative considering cost, existing technology and logistics. It would not cause or contribute to violations of State Water quality standards, jeopardize the existence of any endangered species or impact a marine sanctuary. No significant degradation would be expected and all appropriate and practicable steps have been taken to minimize impacts.

10. Public Interest Review:

a. Corps analysis of comments and responses: All comments received in response to the public notice have been considered in the following public interest review.

b. All public interest factors have been reviewed, including but not limited to the effects the work might have on conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water quality, safety, and consideration of property ownership. It has been determined that the proposed work will not adversely impact any of the public interest factors.

c. Describe the relative extent of the public and private need for the proposed structure or work: Public benefits increased travel safety, caring capacity, and more effective movement of vehicular traffic. Additional benefits include employment opportunities and a potential increase in the local tax base.

d. Describe the practicability of using reasonable alternative locations and methods to accomplish the objective of the purposed work where there are unresolved conflicts as to resource use: The preferred alternative requires acquisition of additional right-of-way which is owned by Mr. and Mrs. Sorrells. The applicant is working with Mr. and Mrs. Sorrells to acquire their property and resolve their concerns. The applicant has

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completed a Project Development and Engineering Study and Pond Siting report both of which evaluate alternative pond designs, locations, and engineering limitations. The completion of both studies indicate building on Mr. and Mrs. Sorrells property is the best alternative.

e. Describe the extent and permanence of the beneficial and/or detrimental effects which the proposed work is likely to have on the public and private uses to which the area is suited: The beneficial effects for public transportation may include an increase in public safety, increased carrying capacity of the roadway and the more effective movement of vehicular traffic. The increased carrying capacity may also facilitate intrastate/interstate commerce.

f. Threatened or Endangered Species: The proposed project will not jeopardize the continued existence or critical habitat of any threatened or endangered species. The FWS provided a response to a Biological Assessment completed by applicant on 28 August 2002. The FWS concurred with the following determinations:

"no effect": Florida scrub-jay, red cockaded woodpecker, and Chapman's rhododendron.

"may affect, but not likely to adversely affect": wood stork and bald eagle.

"may affect, but not likely to adversely affect" with the inclusion of protection measures: eastern indigo snake and West Indian manatee

The applicant has agreed to follow incorporate the Eastern Indigo Snake Protection Measures and the Standard Manatee Construction Conditions into any construction plans.

The Corps contacted Mr. Todd Mecklenborg with the FWS via telephone, 24 April 2007. Mr. Mecklenborg stated; as long as the mitigation will be completed within the Core Foraging Habitat of the wood stork and the Eastern Indigo Snake Protection Measures are followed, the applicant is clear to proceed. The Corps has confirmed the mitigation will occur within the core foraging area.



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g. Essential Fisheries Habitat (EFH): The public notice included an initial determination that the project would not have an adverse impact on EFH or Federally managed fisheries. In response to the public notice, the NMFS indicated on 16 April 2007, that with the inclusion of wetland mitigation in any permit issued, the requirements of the Magnuson-Stevens Act's regulations for conserving EFH will be met. Therefore, the Corps is satisfied that the consultation procedures outlined in 50 CFR Section 600.920 of the regulation to implement the EFH provisions of the Magnuson-Stevens Act have been met.

h. Corps Wetland Policy: The proposed wetland alteration is necessary to realize the project purpose and should result in minimal adverse environmental impacts. The benefits of the project would outweigh the minimal detrimental impacts. The project would result in a no-net loss of wetland functions and values. Therefore the project is in accordance with the Corps wetland policy.

i. Cumulative and Secondary Impacts: The Corps acknowledges that the project might produce minor secondary impacts, such as increased noise and/or light pollution or minor increases in the level of surface pollutants. However, in consideration of the overall limited amount of new roadway and the use of stormwater management systems, the Corps does not believe that any secondary impacts associated with the project would be significant. Further, the Corps has evaluated secondary impacts to wetlands and required compensatory mitigation to fully offset these impacts. The applicant will utilize Best Management Practices to further reduce any potential secondary impacts.

j. Corps Comments and Responses: Full consideration was given to all comments received during the public notice. The Corps has incorporated comments received by FWS and NMFS. With regards to Mr. and Mrs. Sorrells comments, the Corps gives full consideration to avoidance and minimization of wetland impacts. The applicant has completed a PD&E study which included a WER that fully identified alternatives and minimization of wetland impacts. The Corps concurs with the applicants findings. Further, with the inclusion of wetland compensation there should be no net loss to wetland functions.

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11. Determinations:

a. Finding of No Significant Impact (FONSI). Having reviewed the information provided by the applicant and all interested parties and an assessment of the environmental impacts, I find that this permit action will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be required.

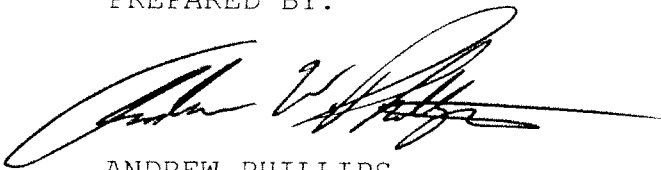
b. Compliance with 404(b)(1) guidelines. Having completed the evaluation in paragraph 7 above, I have determined that the proposed discharge complies with the 404(b)(1) guidelines.

c. Public interest determination: I find that issuance of a Department of the Army permit is not contrary to the public interest.

d. Public Hearing Request: The Corps has reviewed the information, which has been provided, and has concluded that substantive additional information would not be received and that a public hearing would not benefit the decision-making process on this permit application.

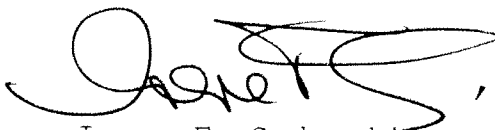
e. Section 176(c) of the Clean Air Act General Conformity Rule Review: The proposed permit action has been analyzed for conformity applicability pursuant to regulations implementing Section 176(c) of the Clean Air Act. It has been determined that the activities proposed under this permit will not exceed *deminimis* levels of direct emissions of a criteria pollutant or its precursors and are exempted by 40 CFR Part 93.153. Any later indirect emissions are generally not within the Corps' continuing program responsibility and generally cannot be practicably controlled by the Corps. For these reasons a conformity determination is not required for this permit action.

PREPARED BY:



ANDREW PHILLIPS  
Project Manager

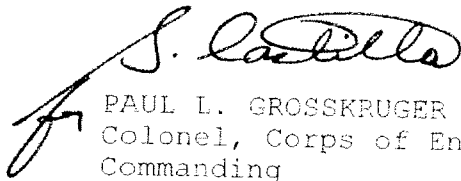
REVIEWED BY:



Irene F. Sadowski  
Chief, Cocoa Permit Section

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APPROVED BY:

A handwritten signature in black ink, appearing to read "P. L. Grosskruger", is written over a horizontal line.

PAUL L. GROSSKRUGER  
Colonel, Corps of Engineers  
Commanding

CF:  
CESAJ-RD-PE